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Working Group on Children and Armed Conflict

Conclusions on children and armed conflict in Sri Lanka

1. At its 7th meeting, on 9 February 2007, the Working Group examined a report of the Secretary-General on children and armed conflict in Sri Lanka (S/2006/1006) introduced by his Special Representative. The Special Adviser to the Special Representative briefed the Working Group on his recent visit to Sri Lanka. The Permanent Representative of Sri Lanka to the United Nations participated in the subsequent discussion.

2. The main elements of the exchange of views among the members of the Working Group are summarized below.

3. Members welcomed the submission of the report pursuant to Security Council resolution 1612 (2005) and stressed the need to consider the recommendations contained therein in accordance with the Working Group's own mandate.

4. The Government of Sri Lanka was commended for its cooperation with the Working Group.

5. Grave concern was expressed about the fact that the continuous pattern of abduction, recruitment and use of children by the Liberation Tigers of Tamil Eelam (LTTE), as reported, inter alia, in the successive reports of the Secretary-General on children and armed conflict, was going on despite previous commitments made by LTTE in March 2003 under the action plan for children affected by war. Despite the commitment by LTTE to release all children within its ranks, only a few children had been released to date. Besides, the pattern of abduction, recruitment and use of children had increased over the recent period. Today LTTE remains the main party responsible for serious violations against children in armed conflict in Sri Lanka.

6. Grave concern was also expressed about the development of a recent but increasing pattern of abduction and recruitment of children in the eastern region by the Karuna faction.

7. Concern was expressed about the fact that the Karuna faction had abducted children in areas considered to be Government controlled, raising questions about the complicity of certain elements of the security forces. In that regard, the Government's responsibility for bringing an end to impunity was highlighted, and the Government was encouraged to proceed, in conformity with its commitments, with its investigation of certain elements of the security forces regarding allegations of participation in child abduction.

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8. The Permanent Representative of Sri Lanka to the United Nations reiterated the commitment of his Government to cooperate fully with the international community and the Working Group with a view to putting an end to violations and abuses against children in armed conflict. The Government of Sri Lanka reaffirmed its policy of zero tolerance for the recruitment and use of children in armed conflict. According to the report of the Secretary-General, LTTE was the main party responsible for serious violations and abuses against children in armed conflict, such as the unlawful recruitment, use and abduction of such children. The Permanent Representative reiterated the views of his Government on the implementation of the recommendations of the Secretary-General as set out in his aide-memoire to the Chairman of the Working Group. While questioning the reliability of sources, the Permanent Representative indicated that the Government of Sri Lanka would take the action necessary to investigate the allegations made against elements of its security forces regarding the recruitment and abduction of children by the Karuna faction. He also indicated that the Government was fully committed to the rehabilitation and reintegration of child combatants who escape from armed groups, and had introduced a new legal regime in that regard.

9. Further to the meeting and consistent with applicable international law and relevant Security Council resolutions, including resolution 1612 (2005), the Working Group agreed to the following.

Public statements by the Chairman on behalf of the Working Group

10. The Working Group agreed to address messages to parties to the conflict through public statements by its Chairman on behalf of the Working Group:

To the leadership of the Liberation Tigers of Tamil Eelam

(a) *Calling the attention* of the leadership of the Liberation Tigers of Tamil Eelam to the fact that the Security Council has received a report of the Secretary-General, dated 20 December 2006, on children and armed conflict in Sri Lanka (S/2006/1006), in which he described, inter alia, a continuous, ongoing and even increasing pattern of abduction, recruitment and use of children by LTTE, despite previous commitments made under the action plan for children affected by war in March 2003;

(b) *Strongly condemning* the continuous recruitment and use of child soldiers and all other violations and abuses committed against children by LTTE;

(c) *Urging* the leadership of LTTE:

(i) To immediately end the practice of abduction, recruitment and use of children under the age of 18 and to separate them from its ranks, in conformity with its obligations under the action plan;

(ii) To immediately engage in transparent procedures with the United Nations Children's Fund (UNICEF) for the release and verification of the demobilization of all children;

(iii) To immediately cease the transfer of demobilized children to the Educational Skills Development Centre and instead release them directly to their families, as stipulated in the action plan;

(iv) To cooperate with UNICEF by sharing information and providing UNICEF representatives with unimpeded access to LTTE military camps with a view to putting an end to violations and abuses perpetrated against children;

(v) To recognize and commit to maintaining the neutrality and security of schools, hospitals and religious institutions as safe zones in conflict-affected areas;

(vi) To immediately provide humanitarian actors with unimpeded and safe access to all areas under its control;

(d) *Emphasizing* that:

(i) If in the coming months reporting by the Secretary-General on the follow-up by LTTE to the message indicates significant progress, the Working Group will look for continued progress in the framework of the next regular report on children and armed conflict in Sri Lanka;

(ii) If, however, LTTE does not respond positively to the message in the coming months or does not carry out its commitments or abide by its obligations in accordance with applicable international law and relevant Security Council resolutions, including resolution 1612 (2005), further steps may be taken;

To the leadership of the Tamil Makkal Viduthalai Puligal and its military wing, the Karuna faction

(e) *Strongly condemning* the recent recruitment and use of child soldiers and all other violations and abuses committed against children by the Karuna faction;

(f) *Urging* the Karuna faction:

(i) To immediately end the practice of abduction, use and recruitment of children under the age of 18, consistent with the commitment it made to the Special Representative and her Special Adviser;

(ii) To engage with UNICEF, as a matter of priority, to release all children among its ranks, ensure a transparent verification process, including access to Karuna faction military camps, devise age-verification procedures with UNICEF and prevent further unlawful recruitment;

(iii) To recognize and commit to maintaining the neutrality and security of schools, hospitals and religious institutions as safe zones in conflict-affected areas;

(iv) To immediately provide humanitarian actors with unimpeded and safe access to all areas under its control.

Recommendation to the Security Council

11. The Working Group agreed to recommend that the President of the Security Council address a letter to the Secretary-General requesting that the Secretary-General report to the Council on children and armed conflict in Sri Lanka by 31 October 2007, paying particular attention to the follow-up by the parties to the messages addressed to them by the Chairman of the Working Group.

Letters from the Chairman of the Working Group

12. The Working Group agreed to address letters from its Chairman:

To the Government of Sri Lanka

(a) *Welcoming*:

(i) The early decision of the Government of Sri Lanka to volunteer for the implementation of a monitoring and reporting mechanism on children and armed conflict in Sri Lanka and its subsequent and ongoing cooperation with the Working Group;

(ii) The recent participation of the Government of Sri Lanka in the conference entitled "Free Children from War", held in Paris in February 2007;

(iii) The commitment of the Government of Sri Lanka to enforce a policy of zero tolerance for the recruitment and use of children in armed conflict and, in that context, its commitment to investigate the allegations made against elements of its security forces;

(b) *Urging* the Government of Sri Lanka:

(i) To give full support to the monitoring and reporting mechanism established pursuant to resolution 1612 (2005), including by considering a favourable response to proposals by the Office of the United Nations High Commissioner for Human Rights to include its staff in the monitoring and reporting task force;

(ii) To put into practice as a matter of priority its commitment to lead a thorough and impartial investigation into allegations that certain elements of the Sri Lankan security forces are involved in aiding the unlawful recruitment and abduction of children by the Karuna faction, while ensuring that during this process complainants and witnesses are protected from reprisal by any party;

(iii) To require that the police and Government security forces thoroughly investigate all complaints of child abduction with a view to putting an end to impunity;

(iv) To secure the release of all children abducted by the Karuna faction and ensure their return to their families;

(v) To recognize and commit to maintaining the neutrality and security of schools, hospitals and religious institutions as safe zones in conflict-affected areas;

(vi) To immediately provide humanitarian actors with unimpeded and safe access to all areas under its control;

(vii) To ensure access, under the new legal framework it has established, to protection, rehabilitation and reintegration services for all released children, paying particular attention to the specific needs of girls;

(viii) To consider becoming a party to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;

To the World Bank and donors

(c) *Requesting* the support of the World Bank and donors for the work of UNICEF and other relevant agencies to strengthen the capacity of the monitoring and reporting mechanism, including by providing the funding necessary to increase the capacity of the Human Rights Commission of Sri Lanka and the National Child Protection Authority;

To the United Nations Children's Fund

(d) *Commending* the efforts of UNICEF to establish dialogue with all relevant parties and requesting that it pursue its efforts with LTTE and the Karuna faction with a view to obtaining the early implementation of action plans for the release of all children in their ranks or retained in camps or centres where they are separated from their families.